

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al.  
Plaintiffs

vs.

JEFFREY DERDERIAN, et al.  
Defendants

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:  
:  
:  
:  
:

C.A. No. 04-312-L

**DEFENDANTS ANHEUSER-BUSCH, INC.'S AND  
ANHEUSER-BUSCH COMPANIES, INC.'S  
ANSWER TO PLAINTIFFS' MASTER COMPLAINT**

NOW COME Defendants Anheuser-Busch, Inc. ("ABI") and Anheuser-Busch  
Companies, Inc. ("ABC") and for their answer to Plaintiffs' Complaint ("Complaint")  
state as follows:

**Introduction**

Plaintiffs' Complaint includes an introductory statement to which no response  
is required. To the extent there are factual allegations contained in the introductory  
statement to Plaintiffs' Complaint, ABI and ABC state that the Order referred to  
therein speaks for itself, and further deny the remaining allegations in the introduc-  
tory statement to Plaintiffs' Complaint.

## **PARTIES**

### **Plaintiffs**

1. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Complaint, including any of its subparts.

2. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Complaint.

3. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Complaint, including any of its subparts.

4. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Complaint.

5. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Complaint, including any of its subparts.

6. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Complaint, including any of its subparts.

7. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Complaint.

8. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Complaint, including any of its subparts.

9. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Complaint.

10. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Complaint.

11. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Complaint, including any of its subparts.

12. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Complaint.

13. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Complaint, including any of its subparts.

14. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Complaint.

15. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the Complaint, including any of its subparts.

16. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the Complaint.

17. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the Complaint, including any of its subparts.

18. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 of the Complaint.

19. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 19 of the Complaint, including any of its subparts.

20. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20 of the Complaint, including any of its subparts.

21. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of the Complaint, including any of its subparts.

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23. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 23 of the Complaint.

24. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 24 of the Complaint.

25. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 25 of the Complaint.

26. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 26 of the Complaint.

27. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 27 of the Complaint, including any of its subparts.

28. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 28 of the Complaint.

29. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 29 of the Complaint.

30. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 30 of the Complaint.

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129. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 129 of the Complaint, including any of its subparts.

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137. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 137 of the Complaint, including any of its subparts.

138. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 138 of the Complaint, including any of its subparts.



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141. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 141 of the Complaint.

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143. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 143 of the Complaint, including any of its subparts.

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152. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 152 of the Complaint.

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154. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 154 of the Complaint, including any of its subparts.

155. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 155 of the Complaint, including any of its subparts.

156. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 156 of the Complaint.

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158. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 158 of the Complaint.

159. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 159 of the Complaint, including any of its subparts.

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162. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 162 of the Complaint, including any of its subparts.

163. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 163 of the Complaint.

164. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 164 of the Complaint.

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167. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 167 of the Complaint.

168. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 168 of the Complaint, including any of its subparts.

169. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 169 of the Complaint, including any of its subparts.

170. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 170 of the Complaint.

171. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 171 of the Complaint, including any of its subparts.

172. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 172 of the Complaint.

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174. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 174 of the Complaint.

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183. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 183 of the Complaint, including any of its subparts.

184. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 184 of the Complaint.

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223. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 223 of the Complaint, including any of its subparts.

224. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 224 of the Complaint, including any of its subparts.

225. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 225 of the Complaint.

226. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 226 of the Complaint, including any of its subparts.

227-270. Paragraphs 227 through 270 of the Complaint, inclusive, purport to be reserved, and therefore no response by ABI and ABC is required.

**GENERAL ALLEGATIONS AS TO ALL DEFENDANTS**

271. ABI and ABC deny the allegations contained in paragraph 271 of the Complaint.

**JEFFREY DERDERIAN**

272. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 271 of the Complaint, inclusive, as though fully set forth herein.

273. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 273 of the Complaint.

274-279. The allegations contained in paragraphs 274 through 279 of the Complaint, inclusive, including all subparts, are directed against Defendant Jeffrey Derderian and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 274 through 279 of the Complaint, inclusive, including all subparts, insofar as any allegation in paragraphs 274 through 279, inclusive, including any subpart, might be construed to pertain to them.

**COUNT I**  
**JEFFREY DERDERIAN - NEGLIGENCE**

280. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 279 of the Complaint, inclusive, as though fully set forth herein.

281. The allegations contained in paragraph 281 of Count I of the Complaint are directed against Defendant Jeffrey Derderian and are not directed



against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 281 of Count I of the Complaint insofar as any allegation in paragraph 281 might be construed to pertain to them.

**COUNT II**  
**VIOLATION OF RHODE ISLAND GENERAL LAWS**  
**TITLE 9, CHAPTER 1, SECTION 2**

282. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 281 of the Complaint, inclusive, as though fully set forth herein.

283. The allegations contained in paragraph 283 of Count II of the Complaint appear to be directed against Defendant Jeffrey Derderian and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 283 of Count II of the Complaint insofar as any allegation in paragraph 283 might be construed to pertain to them.

**MICHAEL DERDERIAN**

284. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 284 of the Complaint.

285-286. The allegations contained in paragraphs 285 through 286 of the Complaint, inclusive, including all subparts, are directed against Defen-

dant Michael Derderian and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 285 through 286 of the Complaint, inclusive, including all subparts, insofar as any allegation in paragraphs 285 through 286, including any subparts, might be construed to pertain to them.

**COUNT III**  
**MICHAEL DERDERIAN - NEGLIGENCE**

287. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 286 of the Complaint, inclusive, as though fully set forth herein.

288. The allegations contained in paragraph 288 of Count III of the Complaint are directed against Defendant Michael Derderian and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 288 of Count III of the Complaint insofar as any allegation in paragraph 288 might be construed to pertain to them.

**COUNT IV**  
**VIOLATION OF RHODE ISLAND GENERAL LAWS**  
**TITLE 9, CHAPTER 1, SECTION 2**

289. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 288 of the Complaint, inclusive, as though fully set forth herein.

290. The allegations contained in paragraph 290 of Count IV of the Complaint appear to be directed against Defendant Michael Derderian and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 290 of Count IV of the Complaint insofar as any allegation in paragraph 290 might be construed to pertain to them.

**DERCO, LLC**

291. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 291 of the Complaint.

292-293. The allegations contained in paragraphs 292 through 293 of the Complaint, inclusive, including all subparts, are directed against Defendant DERCO, LLC and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 292 through 293 of the Complaint, inclusive, including all subparts, insofar as any allegation in paragraphs 292 through 293, including any subpart, might be construed to pertain to them.

**COUNT V**  
**DERCO, LLC - NEGLIGENCE**

294. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 293 of the Complaint, inclusive, as though fully set forth herein.

295. The allegations contained in paragraph 295 of Count V of the Complaint are directed against Defendant DERCO, LLC and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 295 of Count V of the Complaint insofar as any allegation in paragraph 295 might be construed to pertain to them.

**COUNT [unnumbered]**  
**VIOLATION OF RHODE ISLAND GENERAL LAWS**  
**TITLE 9, CHAPTER 1, SECTION 2**

296. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 295 of the Complaint, inclusive, as though fully set forth herein.

297. The allegations contained in paragraph 297 of the Complaint appear to be directed against Defendant DERCO, LLC and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 297 of the Complaint insofar as any allegation in paragraph 297 might be construed to pertain to them.

**HOWARD JULIAN**

298. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 298 of the Complaint.

299. The allegations contained in paragraph 299 of the Complaint are directed against Defendant Howard Julian and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 299 of the Complaint insofar as any allegation in paragraph 299 might be construed to pertain to them.

**COUNT VI**  
**HOWARD JULIAN - NEGLIGENCE**

300. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 299 of the Complaint, inclusive, as though fully set forth herein.

301. The allegations contained in paragraph 301 of Count VI of the Complaint are directed against Defendant Howard Julian and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 301 of Count VI of the Complaint insofar as any allegation in paragraph 301 might be construed to pertain to them.

**COUNT VII**  
**VIOLATION OF RHODE ISLAND GENERAL LAWS**  
**TITLE 9, CHAPTER 1, SECTION 2**

302. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 301 of the Complaint, inclusive, as though fully set forth herein.

303. The allegations contained in paragraph 303 of Count VII of the Complaint appear to be directed against Defendant Howard Julian and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 303 of Count VII of the Complaint insofar as any allegation in paragraph 303 might be construed to pertain to them.

**TRITON REALTY LIMITED PARTNERSHIP**

304. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 304 of the Complaint.

305-307. The allegations contained in paragraphs 305 through 307 of the Complaint, inclusive, are directed against Defendant Triton Realty Limited Partnership and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained

in paragraphs 305 through 307 of the Complaint, inclusive, insofar as any allegation in paragraphs 305 through 307 might be construed to pertain to them.

**COUNT VIII**  
**TRITON REALTY LIMITED PARTNERSHIP - NEGLIGENCE**

308. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 307 of the Complaint, inclusive, as though fully set forth herein.

309. The allegations contained in paragraph 309 of Count VIII of the Complaint are directed against Defendant Triton Realty Limited Partnership and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 309 of Count VIII of the Complaint insofar as any allegation in paragraph 309 might be construed to pertain to them.

**COUNT IX**  
**VIOLATION OF RHODE ISLAND GENERAL LAWS**  
**TITLE 9, CHAPTER 1, SECTION 2**

310. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 309 of the Complaint, inclusive, as though fully set forth herein.

311. The allegations contained in paragraph 311 of Count IX of the Complaint appear to be directed against Defendant Triton Realty Limited Partnership and are not directed against ABI or ABC, and therefore no answer by ABI and ABC

is required. ABI and ABC deny the allegations contained in paragraph 311 of Count IX of the Complaint insofar as any allegation in paragraph 311 might be construed to pertain to them.

**TRITON REALTY, INC.**

312. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 312 of the Complaint.

313-315. The allegations contained in paragraphs 313 through 315 of the Complaint, inclusive, are directed against Defendant Triton Realty, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 313 through 315 of the Complaint, inclusive, insofar as any allegation in paragraphs 313 through 315 might be construed to pertain to them.

**COUNT X**  
**TRITON REALTY, INC.- NEGLIGENCE**

316. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 315 of the Complaint, inclusive, as though fully set forth herein.

317. The allegations contained in paragraph 317 of Count X of the Complaint are directed against Defendant Triton Realty, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and



ABC deny the allegations contained in paragraph 317 of Count X of the Complaint insofar as any allegation in paragraph 317 might be construed to pertain to them.

**COUNT XI**  
**VIOLATION OF RHODE ISLAND GENERAL LAWS**  
**TITLE 9, CHAPTER 1, SECTION 2**

318. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 317 of the Complaint, inclusive, as though fully set forth herein.

319. The allegations contained in paragraph 319 of Count XI of the Complaint appear to be directed against Defendant Triton Realty, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 319 of Count XI of the Complaint insofar as any allegation in paragraph 319 might be construed to pertain to them.

**RAYMOND J. VILLANOVA**

320. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 320 of the Complaint.

321-323. The allegations contained in paragraphs 321 through 323 of the Complaint, inclusive, are directed against Defendant Raymond J. Villanova and are not directed against ABI or ABC, and therefore no answer by ABI

and ABC is required. ABI and ABC deny the allegations contained in paragraphs 321 through 323 of the Complaint, inclusive, insofar as any allegation in paragraphs 321 through 323 might be construed to pertain to them.

**COUNT XII**  
**RAYMOND J. VILLANOVA - NEGLIGENCE**

324. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 323 of the Complaint, inclusive, as though fully set forth herein.

325. The allegations contained in paragraph 325 of Count XII of the Complaint are directed against Defendant Raymond J. Villanova and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 325 of Count XII of the Complaint insofar as any allegation in paragraph 325 might be construed to pertain to them.

**COUNT XIII**  
**VIOLATION OF RHODE ISLAND GENERAL LAWS**  
**TITLE 9, CHAPTER 1, SECTION 2**

326. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 325 of the Complaint, inclusive, as though fully set forth herein.

327. The allegations contained in paragraph 327 of Count XIII of the Complaint appear to be directed against Defendant Raymond J. Villanova and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is

required. ABI and ABC deny the allegations contained in paragraph 327 of Count XIII of the Complaint insofar as any allegation in paragraph 327 might be construed to pertain to them.

**JACK RUSSELL**

328. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 328 of the Complaint.

329-331. The allegations contained in paragraphs 329 through 331 of the Complaint, inclusive, including all subparts, are directed against Defendant Jack Russell and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 329 through 331 of the Complaint, inclusive, including all subparts, insofar as any allegation in paragraphs 329 through 331, including any subpart, might be construed to pertain to them.

**COUNT XIV**  
**JACK RUSSELL - NEGLIGENCE**

332. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 331 of the Complaint, inclusive, as though fully set forth herein.

333. The allegations contained in paragraph 333 of Count XIV of the Complaint are directed against Defendant Jack Russell and are not directed

against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 333 of Count XIV of the Complaint insofar as any allegation in paragraph 333 might be construed to pertain to them.

**COUNT XV**  
**VIOLATION OF RHODE ISLAND GENERAL LAWS**  
**TITLE 9, CHAPTER 1, SECTION 2**

334. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 333 of the Complaint, inclusive, as though fully set forth herein. The remainder of the allegations contained in paragraph 334 of Count XV of the Complaint appear to be directed against Defendant Jack Russell and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the remaining allegations contained in paragraph 334 of Count XV of the Complaint insofar as any of the remaining allegations in paragraph 334 might be construed to pertain to them.

**JACK RUSSELL TOURING, INC.**

335. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first two sentences of paragraph 335 of the Complaint. The remainder of the allegations contained in paragraph 335 of the Complaint are directed against Defendant Jack Russell Touring, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 335 of

the Complaint insofar as any allegations in paragraph 335 might be construed to pertain to them.

336-339. The allegations contained in paragraphs 336 through 339 of the Complaint, inclusive, including all subparts, are directed against Defendant Jack Russell Touring, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 336 through 339 of the Complaint, inclusive, including all subparts, insofar as any allegation in paragraphs 336 through 339, including any subpart, might be construed to pertain to them.

**COUNT XVI**  
**JACK RUSSELL TOURING, INC. - NEGLIGENCE**

340. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 339 of the Complaint, inclusive, as though fully set forth herein.

341. The allegations contained in paragraph 341 of Count XVI of the Complaint are directed against Defendant Jack Russell Touring, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI denies the allegations contained in paragraph 341 of Count XVI of the Complaint insofar as any allegation in paragraph 341 might be construed to pertain to them.

**COUNT XVII**  
**VIOLATION OF RHODE ISLAND GENERAL LAWS**  
**TITLE 9, CHAPTER 1, SECTION 2**

342. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 341 of the Complaint, inclusive, as though fully set forth herein.

343. The allegations contained in paragraph 343 of Count XVII of the Complaint appear to be directed against Defendant Jack Russell Touring, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 343 of Count XVII of the Complaint insofar as any allegation in paragraph 343 might be construed to pertain to them.

**PAUL WOOLNOUGH**

344. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 344 of the Complaint.

345-347. The allegations contained in paragraphs 345 through 347 of the Complaint, inclusive, including all subparts, are directed against Defendant Paul Woolnough and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 345 through 347 of the Complaint, inclusive, including all subparts,

insofar as any allegation in paragraphs 345 through 347, including any subpart, might be construed to pertain to them.

**COUNT XVIII**  
**PAUL WOOLNOUGH - NEGLIGENCE**

348. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 347 of the Complaint, inclusive, as though fully set forth herein.

349. The allegations contained in paragraph 349 of Count XVIII of the Complaint are directed against Defendant Paul Woolnough and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 349 of Count XVIII of the Complaint insofar as any allegation in paragraph 349 might be construed to pertain to them.

**COUNT XIX**  
**VIOLATION OF RHODE ISLAND GENERAL LAWS**  
**TITLE 9, CHAPTER 1, SECTION 2**

350. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 349 of the Complaint, inclusive, as though fully set forth herein.

351. The allegations contained in paragraph 351 of Count XIX of the Complaint appear to be directed against Defendant Paul Woolnough and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required.

ABI and ABC deny the allegations contained in paragraph 351 of Count XIX of the Complaint insofar as any allegation in paragraph 351 might be construed to pertain to them.

**MANIC MUSIC MANAGEMENT**

352. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 352 of the Complaint.

353-355. The allegations contained in paragraphs 353 through 355 of the Complaint, inclusive, including all subparts, are directed against Defendant Manic Music Management and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 353 through 355 of the Complaint, inclusive, including all subparts, insofar as any allegation in paragraphs 353 through 355, including any subpart, might be construed to pertain to them.

**COUNT XX**  
**MANIC MUSIC MANAGEMENT - NEGLIGENCE**

356. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 355 of the Complaint, inclusive, as though fully set forth herein.

357. The allegations contained in paragraph 357 of Count XX of the Complaint are directed against Defendant Manic Music Management and are not



directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 357 of Count XX of the Complaint insofar as any allegation in paragraph 357 might be construed to pertain to them.

**COUNT XXI**  
**VIOLATION OF RHODE ISLAND GENERAL LAWS**  
**TITLE 9, CHAPTER 1, SECTION 2**

358. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 357 of the Complaint, inclusive, as though fully set forth herein.

359. The allegations contained in paragraph 359 of Count XXI of the Complaint appear to be directed against Defendant Manic Music Management and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 359 of Count XXI of the Complaint insofar as any allegation in paragraph 359 might be construed to pertain to them.

**KNIGHT RECORDS, INC.**

360. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 360 of the Complaint.

361-363. The allegations contained in paragraphs 361 through 363 of the Complaint, inclusive, including all subparts, are directed against Defendant Knight Records, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 361 through 363 of the Complaint, inclusive, including all subparts, insofar as any allegation in paragraphs 361 through 363, including any subpart, might be construed to pertain to them.

**COUNT XXII**  
**KNIGHT RECORDS, INC. - NEGLIGENCE**

364. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 363 of the Complaint, inclusive, as though fully set forth herein.

365. The allegations contained in paragraph 365 of Count XXII of the Complaint are directed against Defendant Knight Records, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 365 of Count XXII of the Complaint insofar as any allegation in paragraph 365 might be construed to pertain to them.

**COUNT XXIII**  
**VIOLATION OF RHODE ISLAND GENERAL LAWS**  
**TITLE 9, CHAPTER 1, SECTION 2**

366. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 365 of the Complaint, inclusive, as though fully set forth herein.

367. The allegations contained in paragraph 367 of Count XXIII of the Complaint appear to be directed against Defendant Knight Records, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 367 of Count XXIII of the Complaint insofar as any allegation in paragraph 367 might be construed to pertain to them.

**DANIEL BIECHELE**

368. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 368 of the Complaint.

369-371. The allegations contained in paragraphs 369 through 371 of the Complaint, inclusive, including all subparts, are directed against Defendant Daniel Biechele and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 369 through 371 of the Complaint, inclusive, including all subparts,

insofar as any allegation in paragraphs 369 through 371, including any subpart, might be construed to pertain to them.

**COUNT XXIV**  
**DANIEL BIECHELE - NEGLIGENCE**

372. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 371 of the Complaint, inclusive, as though fully set forth herein.

373. The allegations contained in paragraph 373 of Count XXIV of the Complaint are directed against Defendant Daniel Biechele and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 373 of Count XXIV of the Complaint insofar as any allegation in paragraph 373 might be construed to pertain to them.

**COUNT XXV**  
**VIOLATION OF RHODE ISLAND GENERAL LAWS**  
**TITLE 9, CHAPTER 1, SECTION 2**

374. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 373 of the Complaint, inclusive, as though fully set forth herein.

375. The allegations contained in paragraph 375 of Count XXV of the Complaint appear to be directed against Defendant Daniel Biechele and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required.

ABI and ABC deny the allegations contained in paragraph 375 of Count XXV of the Complaint insofar as any allegation in paragraph 375 might be construed to pertain to them.

**ANHEUSER-BUSCH INCORPORATED AND  
ANHEUSER-BUSCH COMPANIES, INCORPORATED**

376. ABI and ABC admit that Anheuser-Busch, Inc. is a foreign corporation with its principal place of business in St. Louis, Missouri, and that it is registered to and does do business in Rhode Island. ABI and ABC admit that Anheuser-Busch Companies, Inc. is a foreign corporation with its principal place of business in St. Louis, Missouri. ABI and ABC deny the remaining allegations in paragraph 376 of the Complaint.

377. ABI and ABC admit that Anheuser-Busch, Inc. owns the registered trademark "Budweiser." Independent wholesalers such as McLaughlin & Moran, Inc. are granted a limited, nonassignable and nontransferable right to use the trademark in distributing, advertising and promoting the sale of products. ABI and ABC admit that ABI expects that independent wholesalers will follow applicable law. ABI and ABC deny the remaining allegations contained in paragraph 377 of the Complaint.

378. ABI and ABC admit that under certain circumstances ABI's "Budweiser" trademark is used to promote brand awareness at licensed establish-

ments. ABI and ABC deny the remaining allegations contained in paragraph 378 of the Complaint.

379. ABI and ABC deny the allegations contained in paragraph 379 of the Complaint.

380. ABI and ABC deny the allegations contained in paragraph 380 of the Complaint, including all subparts.

381. ABI and ABC deny the allegations contained in paragraph 381 of the Complaint. Further answering, ABI and ABC specifically deny the allegations contained in paragraph 381 of the Complaint to the extent they allege or infer a duty on the part of ABI or ABC.

382. ABI and ABC deny the allegations contained in paragraph 382 of the Complaint.

383. ABI and ABC deny the allegations contained in paragraph 383 of the Complaint.

384. ABI and ABC deny the allegations contained in paragraph 384 of the Complaint

**COUNT [unnumbered]**  
**ANHEUSER-BUSCH - NEGLIGENCE**

385. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 384 of the Complaint, inclusive, as though fully set forth herein.

386. ABI and ABC deny the allegations contained in paragraph 386 of the Complaint to the extent they allege an agency relationship between ABI and/or ABC and McLaughlin & Moran, Inc. The remainder of the allegations contained in paragraph 386 of the Complaint contain a legal conclusion to which no response is required and therefore ABI and ABC deny the same.

**McLAUGHLIN & MORAN**

387. ABI and ABC admit that McLaughlin & Moran, Inc. is the Rhode Island wholesaler of alcohol beverage products manufactured by ABI. ABI and ABC deny the remaining allegations contained in paragraph 387 of the Complaint.

388-392. ABI and ABC deny the allegations contained in paragraphs 388 through 392 of the Complaint, inclusive, including all subparts, to the extent they allege an agency relationship between McLaughlin & Moran, Inc. and ABI and/or ABC. The remainder of the allegations contained in paragraphs 388 through 392 of the Complaint, inclusive, including all subparts, are directed against Defendant McLaughlin & Moran, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the remaining allegations contained in paragraphs 388 through 392 of the Complaint, inclusive, including all subparts, insofar as any of the remaining allegations in paragraphs 388 through 392, including any subpart, might be construed to pertain to them.

**COUNT [unnumbered]**  
**McLAUGHLIN & MORAN, INC. - NEGLIGENCE**

393. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 392 of the Complaint, inclusive, as though fully set forth herein.

394. ABI and ABC deny the allegations contained in paragraph 394 of the Complaint to the extent they allege an agency relationship between McLaughlin & Moran, Inc. and ABI and/or ABC. The remainder of the allegations contained in paragraph 394 of the Complaint contain a legal conclusion to which no response is required.

**WHJY, INC.**

395. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 395 of the Complaint.

396. The allegations contained in paragraph 396 of the Complaint are directed against Defendant WHJY, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 396 of the Complaint insofar as any allegation in paragraph 396 might be construed to pertain to them.

397. The allegations contained in paragraph 397 of the Complaint, including all of its subparts, are directed against Defendant WHJY, Inc. and are not



directed against ABI or ABC, and therefore no answer by ABI and ABC is required. Further answering, ABI and ABC deny the allegations contained in subparagraph (e) that ABI and/or ABC “promot[ed] the concert,” and that their employees “me[t] with others who were promoting the concert.” ABI and ABC deny the allegations contained in paragraph 397 of the Complaint, including all subparts, insofar as any allegation in paragraph 397, including any subpart, might be construed to pertain to them.

398-401. The allegations contained in paragraphs 398 through 401 of the Complaint, inclusive, are directed against Defendant WHJY, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 398 through 401 of the Complaint, inclusive, insofar as any allegation in paragraphs 398 through 401 might be construed to pertain to them.

**COUNT [unnumbered]**  
**WHJY, INC. - NEGLIGENCE**

402. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 401 of the Complaint, inclusive, as though fully set forth herein.

403. The allegations contained in paragraph 403 of the Complaint are directed against Defendant WHJY, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the

allegations contained in paragraph 403 of the Complaint insofar as any allegation in paragraph 403 might be construed to pertain to them.

**CLEAR CHANNEL BROADCASTING, INC.**

404. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 404 of the Complaint.

405-407. The allegations contained in paragraphs 405 through 407 of the Complaint, inclusive, are directed against Defendant Clear Channel Broadcasting, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 405 through 407 of the Complaint, inclusive, insofar as any allegation in paragraphs 405 through 407 might be construed to pertain to them.

**COUNT XXVI**  
**CLEAR CHANNEL BROADCASTING, INC. - NEGLIGENCE**

408. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 407 of the Complaint, inclusive, as though fully set forth herein.

409. The allegations contained in paragraph 409 of Count XXVI of the Complaint are directed against Defendant Clear Channel Broadcasting, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 409 of Count

XXVI of the Complaint insofar as any allegation in paragraph 409 might be construed to pertain to them.

**DENIS P. LAROCQUE, ANTHONY BETTENCOURT**  
**AND DIANE DERUOSI, IN HER CAPACITY**  
**AS TREASURER OF THE TOWN OF WEST WARWICK**

410. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 410 of the Complaint.

411. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 411 of the Complaint.

412. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 412 of the Complaint.

413-415. The allegations contained in paragraphs 413 through 415 of the Complaint, inclusive, are directed against Defendant Denis Larocque and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 413 through 415 of the Complaint, inclusive, insofar as any allegation in paragraphs 413 through 415 might be construed to pertain to them.

416-418. The allegations contained in paragraphs 416 through 418 of the Complaint, inclusive, are directed against Defendant Anthony Bettencourt and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 416 through 418 of the Complaint, inclusive, insofar as any allegation in paragraphs 416 through 418 might be construed to pertain to them.

419. The allegations contained in paragraph 419 of the Complaint, including all subparts, are directed against Defendant Town of West Warwick, being sued herein through its Treasurer, Defendant Diane DeRuosi (hereinafter, the "Town") and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 419 of the Complaint, including all subparts, insofar as any allegation in paragraph 419, including any subpart, might be construed to pertain to them.

420. The allegations contained in paragraph 420 of the Complaint are directed against Defendants Denis Larocque and the Town and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 420 of the Complaint insofar as any allegation in paragraph 420 might be construed to pertain to them.

421. The allegations contained in paragraph 421 of the Complaint are directed against Defendant Anthony Bettencourt and are not directed against ABI

or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 421 of the Complaint insofar as any allegation in paragraph 421 might be construed to pertain to them.

422. The allegations contained in paragraph 422 of the Complaint are directed against Defendant Town and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 422 of the Complaint insofar as any allegation in paragraph 422 might be construed to pertain to them.

423. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 423. Further answering, the allegations contained in paragraph 423 of the Complaint are directed against Defendant Town and contain a legal conclusion to which no response is required by ABI. ABI and ABC deny the allegations contained in paragraph 423 of the Complaint insofar as any allegation in paragraph 423 might be construed to pertain to them.

424. The allegations contained in paragraph 424 of the Complaint are directed against Defendants Denis Larocque, Anthony Bettencourt, and the Town and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 424 of the

Complaint insofar as any allegation in paragraph 424 might be construed to pertain to them.

**COUNT XXVII**  
**DIANE DERUOSI, IN HER CAPACITY AS TREASURER OF THE**  
**TOWN OF WEST WARWICK - NEGLIGENCE**

425. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 424 of the Complaint, inclusive, as though fully set forth herein.

426. The allegations contained in paragraph 426 of Count XXVII of the Complaint are directed against Defendant Diane DeRuosi, in her capacity as Treasurer of the Town of West Warwick, and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 426 of Count XXVII of the Complaint insofar as any allegation in paragraph 426 might be construed to pertain to them.

**COUNT XXVIII**  
**DENIS P. LAROCQUE, FIRE INSPECTOR - NEGLIGENCE**

427. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 426 of the Complaint, inclusive, as though fully set forth herein.

428. The allegations contained in paragraph 428 of Count XXVIII of the Complaint are directed against Defendant Denis P. Larocque and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required.

ABI and ABC deny the allegations contained in paragraph 428 of Count XXVIII of the Complaint insofar as any allegation in paragraph 428 might be construed to pertain to them.

**COUNT XXIX**  
**VIOLATION OF RHODE ISLAND GENERAL LAWS**  
**TITLE 9, CHAPTER 1, SECTION 2**

429. ABI and ABC reassert and incorporate by reference their responses paragraphs 1 through 428 of the Complaint, inclusive, as though fully set forth herein.

430. The allegations contained in paragraph 430 of Count XXIX of the Complaint are directed against Defendant Denis P. Larocque and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 430 of Count XXIX of the Complaint insofar as any allegation in paragraph 430 might be construed to pertain to them.

**COUNT XXX**  
**ANTHONY BETTENCOURT - NEGLIGENCE**

431. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 430 of the Complaint, inclusive, as though fully set forth herein.

432. The allegations contained in paragraph 432 of Count XXX of the Complaint are directed against Defendant Anthony Bettencourt and are not

directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 432 of Count XXX of the Complaint insofar as any allegation in paragraph 432 might be construed to pertain to them.

**STATE OF RHODE ISLAND AND  
IRVING J. OWENS, FIRE MARSHAL**

433. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 433. Further answering, the allegations contained in paragraph 433 of the Complaint are directed against Defendants State of Rhode Island Town and Irving J. Owens and contain a legal conclusion to which no response is required by ABI and ABC. ABI and ABC deny the allegations contained in paragraph 433 of the Complaint insofar as any allegation in paragraph 433 might be construed to pertain to them.

434-435. The allegations contained in paragraphs 434 through 435 of the Complaint, inclusive, are directed against Defendants State of Rhode Island and Irving J. Owens and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 434 through 435 of the Complaint, inclusive, insofar as any allegation in paragraphs 434 through 435 might be construed to pertain to them



**COUNT XXXI**  
**STATE OF RHODE ISLAND - NEGLIGENCE**

436. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 435 of the Complaint, inclusive, as though fully set forth herein.

437. The allegations contained in paragraph 437 of Count XXXI of the Complaint are directed against Defendant State of Rhode Island and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 437 of Count XXXI of the Complaint insofar as any allegation in paragraph 437 might be construed to pertain to them.

**COUNT XXXII**  
**IRVING J. OWENS - NEGLIGENCE**

438. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 437 of the Complaint, inclusive, as though fully set forth herein.

439. The allegations contained in paragraph 439 of Count XXXII of the Complaint are directed against Defendant Irving J. Owens and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 439 of Count XXXII of the

Complaint insofar as any allegation in paragraph 439 might be construed to pertain to them.

**BRIAN BUTLER**

440. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 440 of the Complaint.

441-443. The allegations contained in paragraphs 441 through 443 of the Complaint, inclusive, are directed against Defendant Brian Butler and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 441 through 443 of the Complaint, inclusive, insofar as any allegation in paragraphs 441 through 443 might be construed to pertain to them.

**COUNT XXXIII**  
**BRIAN BUTLER - NEGLIGENCE**

444. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 443 of the Complaint, inclusive, as though fully set forth herein.

445. The allegations contained in paragraph 445 of Count XXXIII of the Complaint are directed against Defendant Brian Butler and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 445 of Count XXXIII of the

Complaint insofar as any allegation in paragraph 445 might be construed to pertain to them.

**LIN TELEVISION CORPORATION**

446. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 446 of the Complaint.

447-449. The allegations contained in paragraphs 447 through 449 of the Complaint, inclusive, are directed against Defendant LIN Television Corporation and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 447 through 449 of the Complaint, inclusive, insofar as any allegation in paragraphs 447 through 449 might be construed to pertain to them.

**COUNT XXXIV**  
**LIN TELEVISION CORPORATION - NEGLIGENCE**

450. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 449 of the Complaint, inclusive, as though fully set forth herein.

451. The allegations contained in paragraph 451 of Count XXXIV of the Complaint are directed against Defendant LIN Television Corporation and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 451 of Count

XXXIV of the Complaint insofar as any allegation in paragraph 451 might be construed to pertain to them.

**CBS BROADCASTING, INC. d/b/a WPRI – CHANNEL 12**

452. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 452 of the Complaint.

453-455. The allegations contained in paragraphs 453 through 455 of the Complaint, inclusive, are directed against Defendant CBS Broadcasting, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 453 through 455 of the Complaint, inclusive, insofar as any allegation in paragraphs 453 through 455 might be construed to pertain to them.

**COUNT XXXV**

**CBS BROADCASTING, INC. – NEGLIGENCE**

456. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 455 of the Complaint, inclusive, as though fully set forth herein.

457. The allegations contained in paragraph 457 of Count XXXV of the Complaint are directed against Defendant CBS Broadcasting, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 457 of Count XXXV of

the Complaint insofar as any allegation in paragraph 457 might be construed to pertain to them.

**BARRY H. WARNER**

458. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 458 of the Complaint.

459-463. The allegations contained in paragraphs 459 through 463 of the Complaint, inclusive, are directed against Defendant Barry H. Warner and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 459 through 463 of the Complaint, inclusive, insofar as any allegation in paragraphs 459 through 463 might be construed to pertain to them.

**COUNT XXXVI**  
**BARRY H. WARNER – NEGLIGENCE**

464. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 463 of the Complaint, inclusive, as though fully set forth herein.

465. The allegations contained in paragraph 465 of Count XXXVI of the Complaint are directed against Defendant Barry H. Warner and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 465 of Count XXXVI of

the Complaint insofar as any allegation in paragraph 465 might be construed to pertain to them.

**COUNT XXXVII**  
**VIOLATION OF RHODE ISLAND GENERAL LAWS**  
**TITLE 9, CHAPTER 1, SECTION 2**

466. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 465 of the Complaint, inclusive, as though fully set forth herein.

467. The allegations contained in paragraph 467 of Count XXXVII of the Complaint appear to be directed against Defendant Barry H. Warner and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 467 of Count XXXVII of the Complaint insofar as any allegation in paragraph 467 might be construed to pertain to them.

**COUNT [unnumbered]**  
**LUNA TECH, INC. – NEGLIGENCE**

468. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 468 of the Complaint.

469-471. The allegations contained in paragraphs 469 through 471 of the Complaint, inclusive, including all subparts, are directed against Defendant Luna Tech, Inc. and are not directed against ABI or ABC, and therefore no

answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 469 through 471 of the Complaint, inclusive, including all subparts, insofar as any allegation in paragraphs 469 through 471, including any subpart, might be construed to pertain to them.

**COUNT XXXVIII**  
**LUNA TECH, INC. – STRICT LIABILITY**

472. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 471 of the Complaint, inclusive, as though fully set forth herein.

473-476. The allegations contained in paragraphs 473 through 476 of Count XXXVIII of the Complaint, inclusive, are directed against Defendant Luna Tech, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 473 through 476 of Count XXXVIII of the Complaint, inclusive, insofar as any allegation in paragraphs 473 through 476 might be construed to pertain to them.

**COUNT XXXIX**  
**HIGH TECH SPECIAL EFFECTS, INC. – NEGLIGENCE**

477. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 477 of Count XXXIX of the Complaint. ABI and ABC deny the allegations contained in para-

graph 477 of the Complaint insofar as any allegation in paragraph 477 might be construed to pertain to them.

478-480. The allegations contained in paragraphs 478 through 480 of Count XXXIX of the Complaint, inclusive, including all subparts, are directed against Defendant High Tech Special Effects, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 478 through 480 of Count XXXIX of the Complaint, inclusive, including all subparts, insofar as any allegation in paragraphs 478 through 480, including any subpart, might be construed to pertain to them.

**COUNT XL**  
**HIGH TECH SPECIAL EFFECTS, INC. – STRICT LIABILITY**

481. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 480 of the Complaint, inclusive, as though fully set forth herein.

482-485. The allegations contained in paragraphs 482 through 485 of Count XL of the Complaint, inclusive, are directed against Defendant High Tech Special Effects, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 482 through 485 of Count XL of the Complaint, inclusive, insofar as any allegation in paragraphs 482 through 485 might be construed to pertain to them.



**COUNT XLI**  
**AMERICAN FOAM CORPORATION – NEGLIGENCE**

486. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 485 of the Complaint, inclusive, as though fully set forth herein.

487. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 487 of Count XLI of the Complaint.

488-491. The allegations contained in paragraphs 488 through 491 of Count XLI of the Complaint, inclusive, including all subparts, are directed against Defendant American Foam Corporation and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 488 through 491 of Count XLI of the Complaint, inclusive, including all subparts, insofar as any allegation in paragraphs 488 through 491, including any subpart, might be construed to pertain to them.

**COUNT XLII**  
**AMERICAN FOAM CORPORATION – STRICT LIABILITY**

492. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 491 of the Complaint, inclusive, as though fully set forth herein.

493-496. The allegations contained in paragraphs 493 through 496 of Count XLII of the Complaint, inclusive, are directed against Defendant American Foam Corporation and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 493 through 496 of Count XLII of the Complaint, inclusive, insofar as any allegation in paragraphs 493 through 496 might be construed to pertain to them.

**COUNT XLIII**  
**LEGGETT & PLATT INCORPORATED – NEGLIGENCE**

497. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 496 of the Complaint, inclusive, as though fully set forth herein.

498. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 498 of Count XLIII of the Complaint.

499-501. The allegations contained in paragraphs 499 through 501 of Count XLIII of the Complaint, inclusive, including all subparts, are directed against Defendant Leggett & Platt Incorporated and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 499 through 501 of Count XLIII of the Com-

plaint, inclusive, including all subparts, insofar as any allegation in paragraphs 499 through 501, including any subpart, might be construed to pertain to them.

**COUNT XLIV**  
**LEGGETT & PLATT INCORPORATED – STRICT LIABILITY**

502. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 501 of the Complaint, inclusive, as though fully set forth herein.

503-506. The allegations contained in paragraphs 503 through 506 of Count XLIV of the Complaint, inclusive, are directed against Defendant Leggett & Platt Incorporated and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 503 through 506 of Count XLIV of the Complaint, inclusive, insofar as any allegation in paragraphs 503 through 506 might be construed to pertain to them.

**COUNT XLV**  
**L & P FINANCIAL SERVICES CO. – NEGLIGENCE**

507. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 506 of the Complaint, inclusive, as though fully set forth herein.

508. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 508 of Count XLV of the Complaint.

509-510. The allegations contained in paragraphs 509 through 510 of Count XLV of the Complaint, inclusive, including all subparts, are directed against Defendant L & P Financial Services Co. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 509 through 510 of Count XLV of the Complaint, inclusive, including all subparts, insofar as any allegation in paragraphs 509 through 510, including any subpart, might be construed to pertain to them.

**COUNT XLVI**  
**L & P FINANCIAL SERVICES CO. – STRICT LIABILITY**

511. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 510 of the Complaint, inclusive, as though fully set forth herein.

512-515. The allegations contained in paragraphs 512 through 515 of Count XLVI of the Complaint, inclusive, are directed against Defendant L & P Financial Services Co. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 512 through 515 of Count XLVI of the Complaint, inclusive,

insofar as any allegation in paragraphs 512 through 515 might be construed to pertain to them.

**COUNT XLVII**  
**GENERAL FOAM CORPORATION – NEGLIGENCE**

516. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 515 of the Complaint, inclusive, as though fully set forth herein.

517. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 517 of Count XLVII of the Complaint.

518-519. The allegations contained in paragraphs 518 through 519 of Count XLVII of the Complaint, inclusive, including all subparts, are directed against Defendant General Foam Corporation and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 518 through 519 of Count XLVII of the Complaint, inclusive, including all subparts, insofar as any allegation in paragraphs 518 through 519, including any subpart, might be construed to pertain to them.

**COUNT XLVIII**  
**GENERAL FOAM CORPORATION – STRICT LIABILITY**

520. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 519 of the Complaint, inclusive, as though fully set forth herein.

521-524. The allegations contained in paragraphs 521 through 524 of Count XLVIII of the Complaint, inclusive, are directed against Defendant General Foam Corporation and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 521 through 524 of Count XLVIII of the Complaint, inclusive, insofar as any allegation in paragraphs 521 through 524 might be construed to pertain to them.

**COUNT XLIX**  
**GFC FOAM, LLC – NEGLIGENCE**

525. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 524 of the Complaint, inclusive, as though fully set forth herein.

526. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 526 of Count XLIX of the Complaint.

527-529. The allegations contained in paragraphs 527 through 529 of Count XLIX of the Complaint, inclusive, including all subparts, are directed against Defendant GFC Foam, LLC and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 527 through 529 of Count XLIX of the Complaint, inclusive, including all subparts, insofar as any allegation in paragraphs 527 through 529, including any subpart, might be construed to pertain to them.

**COUNT L**  
**GFC FOAM, LLC – STRICT LIABILITY**

530. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 529 of the Complaint, inclusive, as though fully set forth herein.

531-534. The allegations contained in paragraphs 531 through 534 of Count L of the Complaint, inclusive, are directed against Defendant GFC Foam, LLC and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 531 through 534 of Count L of the Complaint, inclusive, insofar as any allegation in paragraphs 531 through 534 might be construed to pertain to them.

**COUNT LI**  
**FOAMEX LP – SUCCESSOR LIABILITY FOR**  
**GENERAL FOAM CORPORATION**

535. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 534 of the Complaint, inclusive, as though fully set forth herein.

536. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 536 of Count LI of the Complaint.

**COUNT LII**  
**FOAMEX INTERNATIONAL INC. – NEGLIGENCE**

537. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 536 of the Complaint, inclusive, as though fully set forth herein.

538. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 538 of Count LII of the Complaint.

539-541. The allegations contained in paragraphs 539 through 541 of Count LII of the Complaint, inclusive, including all subparts, are directed against Defendant Foamex International Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 539 through 541 of Count LII of the Complaint,



inclusive, including all subparts, insofar as any allegation in paragraphs 539 through 541, including any subpart, might be construed to pertain to them.

**COUNT LIII**  
**FOAMEX INTERNATIONAL INC. – STRICT LIABILITY**

542. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 541 of the Complaint, inclusive, as though fully set forth herein.

543-546. The allegations contained in paragraphs 543 through 546 of Count LIII of the Complaint, inclusive, are directed against Defendant Foamex International Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 543 through 546 of Count LIII of the Complaint, inclusive, insofar as any allegation in paragraphs 543 through 546 might be construed to pertain to them.

**COUNT LIV**  
**FMXI, INC. – LIABILITY AS TO GENERAL PARTNER**

547. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 546 of the Complaint, inclusive, as though fully set forth herein.

548. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 548 of Count LIV of the Complaint.

549. The allegations contained in paragraph 549 of Count LIV of the Complaint are directed against Defendant FMXI, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 549 of Count LIV of the Complaint insofar as any allegation in paragraph 549 might be construed to pertain to them.

**COUNT LV**  
**PMC, INC.**

550. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 549 of the Complaint, inclusive, as though fully set forth herein.

551. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 551 of Count LV of the Complaint.

552. The allegations contained in paragraph 552 of Count LV of the Complaint are directed against Defendant PMC, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 552 of Count LV of the Complaint insofar as any allegation in paragraph 552 might be construed to pertain to them.

**COUNT LVI**  
**PMC GLOBAL, INC.**

553. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 552 of the Complaint, inclusive, as though fully set forth herein.

554. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 554 of Count LVI of the Complaint.

555. The allegations contained in paragraph 555 of Count LVI of the Complaint are directed against Defendant PMC Global, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 555 of Count LVI of the Complaint insofar as any allegation in paragraph 555 might be construed to pertain to them.

**COUNT [unnumbered]**  
**JBL INCORPORATED f/k/a James B. Lansing Sound, Incorporated**  
**d/b/a JBL Professional – NEGLIGENCE**

556. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 556 of the Complaint.

557-564. The allegations contained in paragraphs 557 through 564 of the Complaint, inclusive, including all subparts, are directed against Defendant JBL INCORPORATED and are not directed against ABI or ABC, and therefore

no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 557 through 564 of the Complaint, inclusive, including all subparts, insofar as any allegation in paragraphs 557 through 564, including any subpart, might be construed to pertain to them.

**COUNT LVII**  
**JBL INCORPORATED – STRICT LIABILITY**

565. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 564 of the Complaint, inclusive, as though fully set forth herein.

566-569. The allegations contained in paragraphs 566 through 569 of Count LVII of the Complaint, inclusive, are directed against Defendant JBL INCORPORATED and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 566 through 569 of Count LVII of the Complaint, inclusive, insofar as any allegation in paragraphs 566 through 569 might be construed to pertain to them.

**ESSEX INSURANCE COMPANY, MULTI-STATE INSPECTIONS, INC.**  
**AND HIGH CALIBER INSPECTIONS, INC.**

570. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 569 of the Complaint, inclusive, as though fully set forth herein.

571. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 571 of the Complaint.

572. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 572 of the Complaint.

573. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 573 of the Complaint.

574-575. The allegations contained in paragraphs 574 through 575 of the Complaint, inclusive, including all subparts, are directed against Defendants Essex Insurance Company, Multi-State Inspections, Inc. and High Caliber Inspections, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 574 through 575 of the Complaint, inclusive, including all subparts, insofar as any allegation in paragraphs 574 through 575, including any subpart, might be construed to pertain to them.

**COUNT [unnumbered]**  
**ESSEX INSURANCE COMPANY – NEGLIGENCE**

576. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 575 of the Complaint, inclusive, as though fully set forth herein.

577. The allegations contained in paragraph 577 of the Complaint are directed against Defendant Essex Insurance Company and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 577 of the Complaint insofar as any allegation in paragraph 577 might be construed to pertain to them.

**COUNT LVIII**  
**MULTI-STATE INSPECTIONS, INC. – NEGLIGENCE**

578. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 577 of the Complaint, inclusive, as though fully set forth herein.

579. The allegations contained in paragraph 579 of Count LVIII of the Complaint are directed against Defendant Multi-State Inspections, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 579 of Count LVIII of the Complaint insofar as any allegation in paragraph 579 might be construed to pertain to them.

**COUNT LIX**  
**HIGH CALIBER INSPECTIONS, INC. – NEGLIGENCE**

580. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 579 of the Complaint, inclusive, as though fully set forth herein.

581. The allegations contained in paragraph 581 of Count LIX of the Complaint are directed against Defendant High Caliber Inspections, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI denies the allegations contained in paragraph 581 of Count LIX of the Complaint insofar as any allegation in paragraph 581 might be construed to pertain to them.

**UNDERWRITERS AT LLOYD'S, LONDON AND**  
**GRESHAM & ASSOCIATES OF R.I., INC.**

582. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 582 of the Complaint.

583. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 583 of the Complaint.

584. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 584 of the Complaint.

585-587. The allegations contained in paragraphs 585 through 587 of the Complaint, inclusive, including all subparts, are directed against Defendants Lloyd's, London and Gresham & Associates of R.I., Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 585 through 587 of the Complaint, inclusive, including all subparts, insofar as any allegation in paragraphs 585 through 587, including any subpart, might be construed to pertain to them.

**COUNT [unnumbered]**  
**UNDERWRITERS AT LLOYD'S, LONDON – NEGLIGENCE**

588. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 587 of the Complaint, inclusive, as though fully set forth herein.

589. The allegations contained in paragraph 589 of the Complaint are directed against Defendant Underwriters at Lloyd's, London and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 589 of the Complaint insofar as any allegation in paragraph 589 might be construed to pertain to them.



**COUNT LX**  
**GRESHAM & ASSOCIATES OF R.I., INC. – NEGLIGENCE**

590. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 589 of the Complaint, inclusive, as though fully set forth herein.

591. The allegations contained in paragraph 591 of Count LX of the Complaint are directed against Defendant Gresham & Associates of R.I., Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 591 of Count LX of the Complaint insofar as any allegation in paragraph 591 might be construed to pertain to them.

**FOUR SEASONS COACH LEASING, INC.**

592. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 592 of the Complaint.

593. ABI and ABC are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 593 of the Complaint.

594-595. The allegations contained in paragraphs 594 through 595 of the Complaint, inclusive, are directed against Defendant Four Seasons Coach Leasing, Inc. and are not directed against ABI or ABC, and therefore no answer by

ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 594 through 595 of the Complaint, inclusive, insofar as any allegation in paragraphs 594 through 595 might be construed to pertain to them.

**COUNT LXI**  
**FOUR SEASONS COACH LEASING, INC. – NEGLIGENCE**

596. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 595 of the Complaint, inclusive, as though fully set forth herein.

597. The allegations contained in paragraph 597 of Count LXI of the Complaint are directed against Defendant Four Seasons Coach Leasing, Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 597 of Count LXI of the Complaint insofar as any allegation in paragraph 597 might be construed to pertain to them.

**COUNT LXII**  
**VIOLATION OF RHODE ISLAND GENERAL LAWS**  
**TITLE 9, CHAPTER 1, SECTION 2**

598. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 597 of the Complaint, inclusive, as though fully set forth herein.

599. The allegations contained in paragraph 599 of Count LXII of the Complaint appear to be directed against Defendant Four Seasons Coach Leasing,

Inc. and are not directed against ABI or ABC, and therefore no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 599 of Count LXII of the Complaint insofar as any allegation in paragraph 599 might be construed to pertain to them.

**COUNT LXIII**  
**“JOHN DOE” DEFENDANTS – NEGLIGENCE**

600. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 599 of the Complaint, inclusive, as though fully set forth herein.

601. The allegations contained in paragraph 601 of Count LXIII of the Complaint are directed against “John Doe” Defendants who manufactured, distributed, sold or installed non-flame-retardant foam or other defective products in use at the Station nightclub on February 20, 2003. Neither ABI nor ABC manufactured, distributed sold or installed such products, and therefore the allegations in paragraph 601 of Count LXIII of the Complaint are not directed against ABI or ABC and no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 601 of Count LXIII of the Complaint insofar as any allegation in paragraph 601 might be construed to pertain to it.

602. The allegations contained in paragraph 602 of Count LXIII of the Complaint are directed against “John Doe” Defendants who inspected the premises after installation of the foam prior to February 20, 2003. Neither ABI nor

ABC inspected the premises or was required to inspect the premises after installation of the foam prior to February 20, 2003, and therefore the allegations in paragraph 602 of Count LXIII of the Complaint are not directed against ABI or ABC and no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 602 of Count LXIII of the Complaint insofar as any allegation in paragraph 602 might be construed to pertain to them.

603. The allegations contained in paragraph 603 of Count LXIII of the Complaint are directed against "John Doe" Defendants who promoted, managed, or produced the appearance of Great White at The Station nightclub on February 20, 2003. Neither ABI nor ABC promoted, managed, or produced the appearance of Great White at The Station nightclub on February 20, 2003, and therefore the allegations in paragraph 603 of Count LXIII of the Complaint are not directed against ABI or ABC and no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 603 of Count LXIII of the Complaint insofar as any allegation in paragraph 603 might be construed to pertain to them.

604. The allegations contained in paragraph 604 of Count LXIII of the Complaint are directed against "John Doe" Defendants who received property from Triton Realty-related persons or entities with intent to hinder, delay or defraud Plaintiffs. Neither ABI and ABC received property from Triton Realty-related persons, and therefore the allegations in paragraph 604 of Count LXIII of the

Complaint are not directed against ABI or ABC and no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraph 604 of Count LXIII of the Complaint insofar as any allegation in paragraph 604 might be construed to pertain to them.

605. The allegations contained in paragraph 605 of Count LXIII of the Complaint are directed against "John Doe" Defendants who were negligent and such negligence was a proximate cause of Plaintiffs' injuries or death. ABI and ABC deny that they were negligent and that any of their actions or omissions was the proximate cause of Plaintiffs' injuries or death.

**COUNT LXIV**  
**"JOHN DOE" DEFENDANTS – STRICT LIABILITY**

606. ABI and ABC reassert and incorporate by reference their responses to paragraphs 1 through 605 of the Complaint, inclusive, as though fully set forth herein.

607-610. The allegations contained in paragraphs 607 through 610 of Count LXIV of the Complaint, inclusive, appear to be directed against "John Doe" Defendants who manufactured, distributed, sold foam products. Neither ABI nor ABC manufactured, distributed, sold or installed foam products, and therefore the allegations in paragraph 607 of Count LXIV of the Complaint are not directed against ABI or ABC and no answer by ABI and ABC is required. ABI and ABC deny the allegations contained in paragraphs 607 through 610 of Count LXIV of the

Complaint, inclusive, insofar as any allegation in paragraphs 607 through 610 might be construed to pertain to them.

As further answer to Plaintiffs' Complaint, ABI and ABC deny all allegations and subparts contained therein which are not expressly admitted herein or otherwise pleaded to.

### **AFFIRMATIVE DEFENSES**

For further answer to the Complaint and by way of affirmative defense, ABI and ABC state:

#### **FIRST AFFIRMATIVE DEFENSE**

ABI and ABC assert the affirmative defense that the Complaint fails to state any claim against either ABI or ABC upon which any relief, whether compensatory, exemplary, punitive, or otherwise can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

ABI and ABC assert the affirmative defense that neither ABI nor ABC owed a duty of care to those injured or killed as a result of the fire at The Station nightclub.

#### **THIRD AFFIRMATIVE DEFENSE**

ABI and ABC assert the affirmative defense that any alleged injuries or damages sustained by Plaintiffs were not directly or proximately caused by any direct or indirect act or any omission of ABI or ABC but were the result of independent, intervening and/or superseding negligent and/or criminal acts or omissions of parties

or non parties over whom ABI and/or ABC had no control and for whom ABI and/or ABC are not legally responsible.

#### **FOURTH AFFIRMATIVE DEFENSE**

ABI and ABC assert the affirmative defense that comparative fault was a proximate cause of any alleged injuries and damages sustained by Plaintiffs or their decedents. Accordingly, Plaintiffs' claims are barred or limited by such fault or negligence.

#### **FIFTH AFFIRMATIVE DEFENSE**

ABI and ABC assert the affirmative defense of mitigation of damages, and therefore Plaintiffs are precluded from recovering damages or their damages are reduced by operation of the doctrine of avoidable consequences and assumption of the risk.

#### **SIXTH AFFIRMATIVE DEFENSE**

ABI and ABC assert the affirmative defense that Plaintiffs' claims against ABI and ABC are barred because at no time related to the events alleged in the Complaint did any agency or joint venture relationship exist between ABI and/or ABC and any other named defendant.

#### **SEVENTH AFFIRMATIVE DEFENSE**

ABI and ABC assert the affirmative defense that under the laws applicable to this case and to the extent claimed by Plaintiffs, no punitive damages can be recov-

ered by Plaintiffs as punitive damages are appropriate only when there is proof that the acts complained of were done with malice and bad faith, and with the intent to cause harm.

#### **EIGHTH AFFIRMATIVE DEFENSE**

ABI and ABC assert the affirmative defense that to the extent Plaintiffs seek to impose punitive damages, any such claim for punitive damages would be unconstitutional under the United States Constitution and applicable provisions of the Rhode Island State Constitution and unlawful under applicable States statutes to the extent that, among other things: (1) ABI's and ABC's liability for punitive damages and the appropriate amount of punitive damages are not required to be established by clear and convincing evidence; (2) punitive damages are sought to be awarded without bifurcating the trial of all punitive damages issues; (3) any award of punitive damages is sought with no predetermined limit, such as a maximum multiple of compensatory damages or a maximum amount on the amount of punitive damages that the court or a jury may impose; (4) any award of punitive damages is based on anything other than ABI's and/or ABC's alleged conduct in connection with the transaction at issue in this lawsuit; or (5) an award of punitive damages is sought for the purpose of compensating Plaintiffs for elements of damage not otherwise recognizable by applicable State law.



### **NINTH AFFIRMATIVE DEFENSE**

ABI and ABC assert the affirmative defense that to the extent Plaintiffs seek to impose punitive or exemplary damages, Plaintiffs' claims for punitive or exemplary damages are barred or reduced by applicable law or statute or, in the alternative, are unconstitutional insofar as they violate the due process protections afforded by the United States Constitution, the excessive fines clause of the Eighth Amendment of the United States Constitution, the Commerce Clause of the United States Constitution, the Full Faith Credit Clause of the United States Constitution, and applicable provisions of the Constitution of the State of Rhode Island. Any law, statute or other authority purporting to permit the recovery of punitive damages in this case is unconstitutional, facially and as applied, to the extent that, without limitation, it: (1) lacks constitutionally sufficient standards to guide the discretion used in determining whether to award punitive damages; (2) is void for vagueness in that it fails to provide adequate advance notice as to what conduct will result in punitive damages; (3) unconstitutionally may permit recovery of punitive damages in any amount that is not both reasonable and proportionate to the amount of harm, if any to Plaintiffs and to the amount of compensatory damages, if any; (5) unconstitutionally may permit consideration of net worth or other financial information; (6) does not expressly prohibit awarding punitive damages, or determining the amount of an award of punitive damages, in whole or in part, on the basis of individually discriminatory

characteristics, including the corporate status of ABI or ABC; (7) lacks constitutionally sufficient standards to be applied by the trial court in post-verdict review of any punitive damages award; (8) lacks constitutionally sufficient standards for appellate review of any punitive damages award; and (9) otherwise fails to satisfy Supreme Court precedent.

#### **TENTH AFFIRMATIVE DEFENSE**

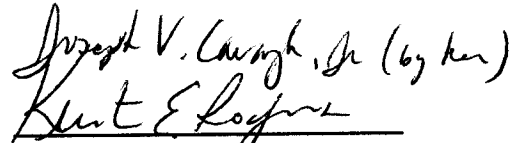

ABC asserts the affirmative defense of lack of personal jurisdiction over it by this Court and the State Court from which the action was removed.

**WHEREFORE**, Defendants Anheuser-Busch, Inc. and Anheuser-Busch Companies, Inc. pray that:

- (a) the Complaint be dismissed with prejudice as to Anheuser-Busch, Inc. and Anheuser-Busch Companies, Inc.;
- (b) Plaintiffs' demand for relief against Anheuser-Busch, Inc. and Anheuser-Busch Companies, Inc. be denied in every respect;
- (c) Anheuser-Busch, Inc. and Anheuser-Busch Companies, Inc. be awarded costs in connection with this litigation, including reasonable attorneys' fees; and
- (d) the Court grant such other and further relief as may be just, proper, and equitable.

ANHEUSER-BUSCH, INC. AND  
ANHEUSER-BUSCH COMPANIES,  
INC.,

By their Attorneys,

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Kristin E. Rodgers #4842

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Dated: September 1, 2004

DEFENDANTS ANHEUSER-BUSCH, INC. AND  
ANHEUSER-BUSCH COMPANIES, HEREBY DEMAND TRIAL BY JURY

### CERTIFICATION

I hereby certify that on the 1<sup>st</sup> day of September, 2004, I served a true copy of the within document via first class mail, postage prepaid to the following parties:

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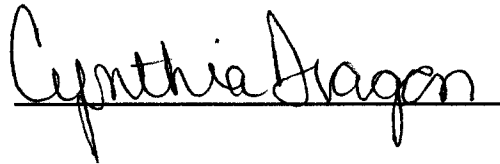
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